

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No: 1:22-cv-22538 (ALTMAN/REID)

PIERCE ROBERTSON, RACHEL GOLD,
SANFORD GOLD, RAHIL SAYED,
CHRISTOPHER EHRENTAUT, TODD
MANGANIELLO, DAN NEWSOM, WILLIAM
AYER, ANTHONY DORN, DAMECO GATES,
MARSHALL PETERS, and EDWIN GARRISON,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

MARK CUBAN, et al.

Defendants.

**DECLARATION OF DANIEL L. SACHS IN SUPPORT OF DEFENDANTS MARK
CUBAN'S AND DALLAS BASKETBALL LIMITED'S OPPOSITION TO PLAINTIFFS'
MOTION TO CERTIFY NATIONWIDE ISSUE CLASSES, PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE 23(A), 23(B)(3), AND 23(C)(4)**

I, Daniel L. Sachs, Esq. under penalty of perjury, state as follows:

1. I am an attorney with Brown Rudnick, LLP duly admitted to practice in the District of Columbia, California, and New York and have been admitted *pro hac vice* to practice before this Court. I am counsel for Defendants Mark Cuban and Dallas Basketball Limited d/b/a Dallas Mavericks (collectively, the “Defendants”) in the above-entitled action. I submit this Declaration in support of Defendants’ Opposition to Plaintiffs’ Motion to Certify Nationwide Issue Classes, Pursuant to Federal Rules 23(A), 23(B)(3), and 23(C)(4).

2. Attached hereto as **Exhibit 1** is a true and correct copy of a 50-state survey of state laws depicting the differences in standards for liability for sellers of alleged unregistered securities and for secondary liability and agent liability under such laws.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Expert Report of Patrick Conroy, Ph.D. dated April 10, 2024.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from named Plaintiff Edwin E. Garrison’s deposition taken on March 21, 2024.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from named Plaintiff Rachel J. Gold’s deposition taken on January 23, 2023.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from named Plaintiff Pierce Robertson’s deposition taken on January 26, 2023.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from named Plaintiff Todd A. Webb’s deposition taken on March 21, 2024.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the transcript of Plaintiffs’ proposed expert Lee Reiners’ deposition taken on March 28, 2024.

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of the July 6, 2022 declaration of Stephen Ehrlich in Voyager Digital Holdings, Inc.’s bankruptcy proceedings.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from Voyager’s 2021 SEDAR annual information form dated October 27, 2021.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the Voyager Customer Agreement’s terms and conditions last updated January 7, 2022, and as obtained online from Voyager’s website (<https://www.investvoyager.com/useragreement>).

12. Attached hereto as **Exhibit 11** is a true and correct copy of the Voyager Earn Program’s terms and conditions as archived online and obtained via the online “Wayback

Machine” from Voyager’s website

(web.archive.org/web/20211022071931/https://rewards.investvoyager.com/interest/).

13. Attached hereto as **Exhibit 12** is a true and correct copy of Duke University Athletics’ (@DukeAthletics) twitter post from December 23, 2021, (https://twitter.com/DukeATHLETICS/status/1474136069650145284).

14. Attached hereto as **Exhibit 13** is a true and correct copy of Stephen Ehrlich’s (@Ehrls15) repost of Kansas University Athletics’ twitter post from December 29, 2021, (https://twitter.com/Ehrls15/status/1476554685028917252).

15. Attached hereto as **Exhibit 14** is a true and correct copy of Bucknell University Athletics’ (@Bucknell_Bison) twitter post from December 23, 2021, (https://twitter.com/Bucknell_Bison/status/1474140780814024704).

16. Attached hereto as **Exhibit 15** is a true and correct copy of Providence University Athletics’ (@PCAthletics) twitter post from December 23, 2021, (https://twitter.com/PCAthletics/status/1474101677338861569).

17. Attached hereto as **Exhibit 16** is a true and correct copy of a document produced by Plaintiff Rachel J. Gold bearing the bates stamp beginning with RGOLD_CUBAN_00157.

18. Attached hereto as **Exhibit 17** is a true and correct copy of a document produced by Plaintiff Rachel J. Gold bearing the bates stamp beginning with RGOLD_CUBAN_00096.

19. Attached hereto as **Exhibit 18** is a true and correct copy of a May 12, 2022, article written by Taylor Locke of Fortune Crypto.

20. Attached hereto as **Exhibit 19** is a true and correct copy of a Reddit forum thread titled “MAVS100 Promo” dated November 6, 2021 (https://www.reddit.com/r/Invest_Voyager/comments/qob2x1/mavs100_promo/).

21. Attached hereto as **Exhibit 20** is a true and correct copy of an excerpted document produced by Plaintiff Dameco Gates bearing the bates stamp beginning with GATES_CUBAN_00017.

22. Attached hereto as **Exhibit 21** is a true and correct copy of an excerpted document produced by Plaintiff Edwin E. Garrison bearing the bates stamp beginning with GARRISON_CUBAN_00007.

23. Attached hereto as **Exhibit 22** is a true and correct copy of Mirthless Chud's (@Ta11Texas) twitter post from October 27, 2021 (<https://twitter.com/Ta11Texan/status/1453469606266474500>).

24. **Exhibit 23** has been intentionally omitted.

25. Attached hereto as **Exhibit 24** is a true and correct copy of an excerpted document produced by Voyager bearing the bates stamp Rob-Voyager-00000016.

26. Attached hereto as **Exhibit 25** is a true and correct copy of the declaration of Ryan Mackey in support of Defendants' Motion to Transfer Venue dated January 29, 2023, ECF No 91 at 6-10.

27. Attached hereto as **Exhibit 26** is a true and correct copy of the Mavericks-Voyager sponsorship agreement dated October 29, 2021, and bearing the bates number beginning with MAVSCUBAN00002840.

28. Attached hereto as **Exhibit 27** is a true and correct copy of excerpts from Mark Cuban's deposition transcript taken on February 2, 2023.

29. Attached hereto as **Exhibit 28** is a true and correct copy of Mr. Cuban's declaration in support of Defendants' Motion to Dismiss the Amended Complaint (ECF No. 41-2).

30. Attached hereto as **Exhibit 29** is a true and correct copy of a transcript of the October 27, 2021, Mavericks-Voyager press conference (ECF No.41-1).

31. Attached hereto as **Exhibit 30** is a true and correct copy of the MAVS100 promo ad as captured from the Doctor of Credit website (<https://www.doctorofcredit.com/wp-content/uploads/2021/10/Screen-Shot-2021-10-28-at-3.18.10-PM-779x1024.png>).

32. Attached hereto as **Exhibit 31** is a true and correct copy of Rob Gronkowski's (@RobGronkowski) twitter post from November 24, 2021 (<https://twitter.com/RobGronkowski/status/1463551128734470146>).

33. Attached hereto as **Exhibit 32** is a true and correct copy of Voyager's (@investvoyager) twitter post featuring Victor Oladipo from April 7, 2022 (<https://twitter.com/Investvoyager/status/151259685675298819>).

34. Attached hereto as **Exhibit 33** is a true and correct copy of Landon Cassill's (@landoncassill) twitter post from February 5, 2022 (<https://twitter.com/landoncassill/status/1490059740646313984>).

35. Attached hereto as **Exhibit 34** is a true and correct copy Voyager's (@investvoyager) twitter post featuring Rob Gronkowski from December 5, 2021 (<https://twitter.com/Investvoyager/status/1467524375700193280>).

36. Attached hereto as **Exhibit 35** is a true and correct copy of Voyager's (@investvoyager) twitter post featuring Rob Gronkowski from February 16, 2022 (<https://twitter.com/Investvoyager/status/1494040449266421761>).

37. Attached hereto as **Exhibit 36** is a true and correct copy Voyager's (@investvoyager) twitter post featuring Rob Gronkowski from January 10, 2022 (<https://twitter.com/Investvoyager/status/1480671585514110977>).

38. Attached hereto as **Exhibit 37** is a true and correct copy of Voyager's (@investvoyager) twitter post featuring Rob Gronkowski from December 22, 2021 (<https://twitter.com/investvoyager/status/1473750024387502089>).

39. Attached hereto as **Exhibit 38** is a true and correct copy of Voyager's (@investvoyager) twitter post featuring Rob Gronkowski from December 21, 2021 (<https://twitter.com/Investvoyager/status/1473443203579879427>).

40. Attached hereto as **Exhibit 39** is a true and correct copy of Rob Gronkowski's repost of a Voyager (@investvoyager) tweet from October 15, 2021 (<https://twitter.com/investvoyager/status/1449161002696724480>).

41. Attached hereto as **Exhibit 40** is a true and correct copy of Rob Gronkowski's (@RobGronkowski) twitter post from November 23, 2021 (<https://twitter.com/RobGronkowski/status/1463218189245071360>).

42. Attached hereto as **Exhibit 41** is a true and correct copy of Voyager's (@investvoyager) twitter post regarding Voyager's referral program promotions (<https://twitter.com/Investvoyager/status/1464306658860048390>).

43. Attached hereto as **Exhibit 42** is a true and correct copy of Voyager's publicly filed Management's Discussion and Analysis dated October 28, 2021.

44. Attached hereto as **Exhibit 43** is a true and correct copy of a document produced by Defendants in discovery bearing the bates stamp beginning with MAVSCUBAN00003620.

45. Attached hereto as **Exhibit 44** is a true and correct copy of an excerpted document produced in discovery by Voyager bearing the bates stamp VOYAGER000825.

46. Attached hereto as **Exhibit 45** is a true and correct copy of the excerpted document produced by Voyager bearing the bates stamp Rob-Voyager-00000016.

47. Attached hereto as **Exhibit 46** is a true and correct copy of Rob Gronkowski's (@Gronk) Instagram post from December 20, 2021.

48. Attached hereto as **Exhibit 47** is a true and correct copy of Voyager's publicly filed Management's Discussion and Analysis dated February 14, 2022.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 10, 2024 in Washington, D.C.

By: /s/ Daniel L. Sachs
Daniel L. Sachs

Counsel to Defendants Mark Cuban
and Dallas Basketball Limited d/b/a
Dallas Mavericks